

RULEMAKING NOTICE FORM

Notice Number 2015-44

Rule Number He-P 809.02

1. Agency Name & Address:

**NH Department of Health and Human Services
Bureau of Licensing and Certification
Health Facility Administration
129 Pleasant Street
Concord, NH 03301**

2. RSA Authority: **RSA 151:2, II(i); RSA 151:9, I(b); RSA 151:9-a**

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption _____

Readoption w/amendment X

5. Short Title: **Home Health Care Providers – Scope**

6. (a) Summary of what the rule says and of any proposed amendments:

He-P 809 sets forth the requirements necessary to establish, maintain and operate as a home health care provider. As required by RSA 151:9, I(a), the rule establishes specific provisions and criteria for such providers in the areas of organization, administration, physical environment, health and safety, nursing services, dietary needs, medical records, medication, infection control, personnel, and management of client records.

Pursuant to RSA 151:2, II(i), the Department may exempt facilities from licensure by rule. He-P 809.02, Scope, establishes which entities are exempt from licensure. The proposal readopts with amendment He-P 809.02 to exempt from licensure as a home health care provider those emergency medical services units and providers operating under the jurisdiction and regulatory oversight of the New Hampshire Department of Safety, Bureau of Emergency Medical Services, as part of an approved Mobile Integrated Healthcare project. Such exemption shall be in effect for not more than 4 years from the 2015 effective date of this rule.

6. (b) Brief description of the groups affected:

This rule affects those emergency medical services units and providers operating under the jurisdiction and regulatory oversight of the New Hampshire Department of Safety, Bureau of Emergency Medical Services, as part of an approved Mobile Integrated Healthcare project.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

<u>Rule Section</u>	<u>RSA Implemented</u>
He-P 809.02	RSA 151:9, I(a),(b); RSA 151:2, II(i)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Michael Holt**

Title: **Rules Coordinator**

Address: **Dept. of Health and Human Services
Administrative Rules Unit
129 Pleasant St.
Concord, NH 03301**

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TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:
<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, May 11, 2015**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, May 4, 2015 at 2:00 PM**

Place: **DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # **15:042**, dated **03/23/15**

- 1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

When compared to the existing rules, the proposed rules may decrease state general fund revenue, and decrease costs to independently owned businesses by an indeterminable amount.

- 2. Cite the Federal mandate. Identify the impact of state funds:**

No federal mandate, no impact on state funds.

- 3. Cost and benefits of the proposed rule(s):**

- A. To State general or State special funds:**

Emergency medical services units and providers who wish to participate in the Mobile Integrated Healthcare project, and are not exempt from fees pursuant to RSA 151:4, I(a), will receive an indeterminable benefit from the proposed rules insofar as they will not be required to pay an annual fee of \$250 per agency, nor will they be required to assume any other costs relative to compliance with licensing under He-P 809. The Department is unable to determine the decrease in state general fund license revenue at this time.

- B. To State citizens and political subdivisions:**

None.

- C. To Independently owned businesses:**

See A above.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rule modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.

Readopt with amendment He-P 809.02, effective 5/2/09 (Document #9466), cited and to read as follows:

CHAPTER He-P 800 RESIDENTIAL CARE AND HEALTH FACILITY RULES

PART He-P 809 HOME HEALTH CARE PROVIDERS

He-P 809.02 Scope. This part shall apply to any organization, business entity, partnership, corporation, government entity, association or other legal entity operating a HHCP, except:

- (a) All facilities listed in RSA 151:2, II(a)-(g);
- (b) Agencies that are certified by the department as other qualified agencies delivering personal care services in accordance with RSA 161-H;
- (c) Entities that are licensed under another home health care license and are providing only the services permitted under that license; ~~and~~
- (d) A person furnishing or delivering home medical supplies or equipment that does not involve the provision of services beyond those necessary to deliver, set up, and monitor the proper functioning of the equipment and educate the user on its proper use; ~~and~~
- (e) Emergency medical services units and providers, operating under the jurisdiction and regulatory oversight of the New Hampshire department of safety, bureau of emergency medical services, as part of an approved mobile integrated healthcare project, which shall be exempted from licensure for not more than 4 years from the 2015 effective date of this rule.

APPENDIX B

Rule	Specific State or Federal Statutes the Rule Implements
He-P 809.02	RSA 151:9, I(a),(b); RSA 151:2, II(i)